

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

Case No. CV 16-1698 DSF (PJW<sub>x</sub>)

Date 3/22/16

Title The Buckner Company, Inc. v. Trishan Air, Inc., et al.

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order to Show Cause re Dismissal for Lack of Subject Matter Jurisdiction; Order DENYING Application to Seal (Dkt. No. 10)

The petition to confirm arbitration fails to allege subject matter jurisdiction to the satisfaction of the Court. The petition alleges diversity jurisdiction but does not adequately allege the citizenship of any of the parties in the case. Therefore, Petitioner is ordered to show cause, in writing, no later than March 30, 2016 why this case should not be dismissed for lack of subject matter jurisdiction.

The application to seal is DENIED. The application fails to show compelling reasons to seal any document in this case. The Court is given no context at all for what the “Confidential Settlement Agreement” is – other than, presumably, a settlement agreement – or what connection it has to the arbitration or the award in that arbitration. The Court declines to read the lengthy settlement agreement and final award to try to understand what counsel should set out in an intelligible manner. The document’s connection to the issues in the case obviously makes a difference when considering whether a document should be sealed. Petitioner also provides no support for sealing the arbitrator’s award other than that the parties have agreed to keep it secret. The parties’ desire to keep something secret does not constitute a compelling reason to seal a document.

Petitioner notes that it is willing to file the documents publicly. Respondent may file its own application to seal no later than March 29, 2016. If no application is filed by

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that date, Petitioner is free to file the documents for public view.

IT IS SO ORDERED.